

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:10 CR 89 & 1:11 CR 01**

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| UNITED STATES OF AMERICA, |) | |
| |) | |
| Vs. |) | ORDER |
| |) | |
| JONATHAN CLINGMAN LOGAN, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

THESE MATTERS have come before the court for hearing on April 7, 2011. In file 1:10cr89 defendant was charged in a bill of indictment with four counts of bank fraud. The undersigned entered an order (#10) detaining defendant on February 30, 2010. Thereafter, defendant filed a motion (#14) requesting that the undersigned reconsider the issue of detention due to the fact that defendant had recently been subject to surgery due to diabetes and also due to the fact that defendant had fallen and suffered injuries while he was in the detention facility. After hearing the motion of defendant, the undersigned entered an order setting terms and conditions of release for defendant and which required his home incarceration and further, that defendant present himself for further review to determine whether or not his medical condition would necessitate his release.

On January 28, 2011 in file 1:11cr01a petition (#2) was filed alleging that defendant had violated terms and conditions of supervised release. On February 7,

2011 the undersigned released defendant on the same terms and conditions of release as set forth in file 1:10cr89 and at that time directed that a further hearing be scheduled on April 7, 2011 to determine whether or not defendant would continue to be allowed to be released on terms and conditions of pretrial release in both matters. Counsel for defendant was ordered to obtain for the use of the court and the Assistant United States Attorney copies of all medical records of treatment of defendant for the period from February 7, 2011 to April 7, 2011.

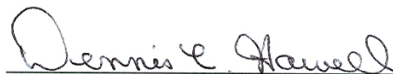
On April 6, 2011, there was delivered to the undersigned the medical records that have been obtained by counsel for defendant. The court has reviewed these medical records in their entirety. The records show that defendant suffers from diabetes mellitus and continued problems caused by his diabetes because of defendant's inability to heal from an amputation of one of his toes which took place in December of 2010.. The records further show that defendant is scheduled for surgery in the form of an operation to fuse vertebra in his spine which is scheduled for Monday, April 11, 2011.

At the hearing of this matter, Assistant United States Attorney Don Gast advised the court that the government did not object to defendant being continued to be released on terms and conditions of prehearing release in these matters and the undersigned has determined that such a release is necessary so that defendant can obtain proper treatment for his medical conditions.

ORDER

IT IS, THEREFORE, ORDERED that defendant be continued to be released on the terms and conditions of pretrial release previously entered in file **1:10cr89** on **January 7, 2011**. It is also **ORDERED** that further hearings in this matter be scheduled for **June 7, 2011** to determine whether or not defendant will continue to be released on terms and conditions of pretrial release. It is further **ORDERED** that defendant's counsel obtain for the use of the court and the Assistant United States Attorney copies of medical records of treatment of defendant for the period from April 7, 2011 to June 7, 2011. As many of the records as may be possible to be obtained are to be delivered to the Assistant United States Attorney on or before **June 1, 2011** to give the Assistant United States Attorney an opportunity to review these records prior to the hearing.

Signed: April 12, 2011



Dennis L. Howell
United States Magistrate Judge

